

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Jeff Whistler,

No. C 06-02538 JW

Plaintiff,

SCHEDULING ORDER

v.

County of Santa Clara, et al.,

Defendants.

CASE SCHEDULE

Preliminary Pretrial Conference and Trial Setting Conference at 11 a.m. (¶ 12)	December 10, 2007
Preliminary Pretrial Conference Statements Due 10 days before conference (¶ 11)	December 1, 2007
Last Date for Hearing Dispositive Motions (¶ 10) (42 days before Preliminary Pretrial Conference)	November 5, 2007
Close of Discovery (¶ 9)	September 1, 2007

None of the dates set in this order may be changed without an order of the court made after a motion is duly filed and made pursuant to the local rules of this court.

Standing Order to Lodge Printed Copy of "ECF" Papers

1. In all cases, including cases covered by the Electronic Case Filing System of the Court "ECF," when filing papers in connection with any motion or any pretrial conference, in

1 addition to filing the paper electronically, the filing parties shall lodge with the Clerk's Office a
2 printed copy of the papers, in an envelop clearly marked "Chamber's Copy – Lodged for the
3 Chambers of Judge James Ware." The "Chamber's Copy" envelop must state the case name and case
4 number and be delivered on or before the close of the next court day following the day the papers
5 are filed electronically. See Standing Order Regarding Case Management in Civil Cases.

6 **Compliance with Discovery Plan and Reference to Magistrate Judge**

7 2. The Court adopts the Discovery Plan proposed by the parties in their Joint
8 Case Management Statement. The parties are ordered to comply with the discovery plan. Any
9 disputes with respect to the implementation of the discovery plan and all disclosure or discovery
10 disputes are referred to the assigned Magistrate Judge. In addition, any disputes pertaining to
11 service or joinder of parties or claims are referred to the assigned Magistrate Judge.

12 **Document Management During Pretrial Discovery and Electronic Evidence Presentation**

13 3. This Court has available a digital and video electronic evidence presentation
14 system. Before commencement of pretrial discovery, the parties are ordered to familiarize
15 themselves with the system, and to meet and confer about whether the case will involve voluminous
16 documentary. If so, as the parties identify documentary material which is likely to be used as trial
17 exhibits, the parties are ordered to electronically store these materials in a fashion which will
18 facilitate displaying them electronically during the trial. The parties are reminded that Civil L.R. 30-
19 2(b) requires sequential numbering of exhibits during depositions and that numbering must be
20 maintained for those exhibits throughout the litigation. Each proposed exhibit shall be pre-marked
21 for identification. All exhibits shall be marked with numerals. The parties shall meet and confer on
22 a division which will avoid duplication (e.g., Plaintiff: 1-99,000; Defendant #1: 100,000-299,999;
23 Defendant #2: 300,000-500,000).

24 **Disclosure of Expert Witnesses**

25 4. Any party wishing to present expert witness testimony with respect to a
26 claim or a defense shall lodge with the Court and serve on all other parties the name, address,
27 qualifications, résumé and a written report which complies with Fed.R.Civ.P. 26(a)(2)(B) **63 days**

Close of Discovery

9. Pursuant to Civil L.R. 26-2, all discovery, including supplemental disclosure, depositions of fact witness and expert witnesses, must be completed on or before the deadline set forth in the Case Schedule above.

Last date for Hearing Dispositive Motions

10. The last day for hearing dispositive motions is set forth in the Case Schedule above. Any motions must be noticed in accordance with the Civil Local Rules of this Court.

Preliminary Pretrial and Trial Setting Conference Statement and Proposed Order

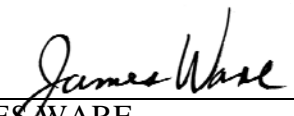
11. The attorneys who will try the case are ordered to confer with one another and to file and lodge with Chambers on or before the deadline set forth in the Case Schedule above a Preliminary Pretrial and Trial Setting Conference Statement and Proposed Order, stating their readiness for trial, the amount of time which the Court should allocate for trial and the calendar period for the trial.

12. The attorneys who will try the case are ordered to appear on the date set in the Case Schedule at 11:00 a.m. for a Preliminary Pretrial and Trial Setting Conference.

13. With respect to the time allocation for trial, at the Preliminary Pretrial and Trial Setting Conference trial counsel will be asked to stipulate to a time allocation to each side for the trial of the case. Once a stipulated allocation has been entered, the parties must plan their presentations to conform to the stipulated time allocation.

14. With respect to the calendar period for trial, based on the time allotted to the case, a calendar period for trial will be set. In the event it becomes necessary to delay the start of trial because of the Court's calendar, the commencement date will trail from day-to day until the other matter is concluded or further order of the Court.

Dated: October 6, 2006


JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Anthony Boskovich policemisconduct@compuserve.com
3 Gregory J. Sebastinelli gregory.sebastinelli@cco.co.scl.ca.us

4 **Dated: October 6, 2006**

Richard W. Wiekling, Clerk

6 **By: /s/ JW Chambers**

7 **Elizabeth Garcia**
8 **Courtroom Deputy**